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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ameae Walker

Serial No.: 09/065,330

Conf. No.: 7326

Filed: April 23, 1998

Allowed: June 3, 2004

For: **PROLACTIN ANTAGONISTS  
AND USES THEREOF**

Art Unit: 1647

Examiner: Christine J. Saoud

Customer No.: 25213

### CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number EL 977676097 US  
Date of Deposit 8/12/2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

ATTN: MAIL STOP - PETITIONS  
Commissioner for Patents,  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

8/12/04  
Date

for Customer No. 25213

## PETITION TO CORRECT PATENT TERM ADJUSTMENT HISTORY UNDER 37 C.F.R. § 1.705(b)

### MAIL STOP: PETITIONS (c/o OPLA)

Commissioner for Patents  
US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby submit a Petition pursuant to 37 C.F.R. § 1.705(b) for the correction of the calculation used to determine the Patent Term Adjustment for the Applicant Delay (APPL) and USPTO Delay (PTO) days at the time the above-captioned application was allowed on June 3, 2004. Applicants agree with the Total PTA Determination of "0" days, therefore, this concerns the calculations and the correct APPL and PTO Delay of record. The records in the PAIR/PALM system reflect a total Applicant Delay (APPL) of **137 days**. Applicants respectfully submit that, as described in detail below, the correct APPL delay for this application is **192 days**. The records in the PAIR/PALM system reflect a total USPTO Delay (PTO) of **0 days**. Applicants respectfully submit that, as described in detail below, the correct PTO delay for this application is **14 days**.

08/17/2004 AAD0F02 00000078 09065330

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08/17/2004 AAD0F02 00000079 081641 09065330

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USPN 10/072,681

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## PETITION TO CORRECT PATENT TERM ADJUSTMENT HISTORY

### REMARKS

A review of the Patent Term Adjustment History (PTA) in the PAIR system for this application shows that the U.S. Patent and Trademark Office (PTO) incorrectly calculated the "Applicant Delay" and "USPTO Delay" for the Patent Term Adjustment.

A *Non-Final Office Action* was mailed on January 8, 2003. Applicants responded to the *Non-Final Office Action* and filed a Request for Continued Examination, by Express mail on June 2, 2003. Applicants believe that the Applicants' Delay clock started on April 8, 2003 and stopped with the receipt of the Applicants' response on June 2, 2003, thus incurring an Applicant Delay of **55 days**. The PAIR/PALM records show the same mailing date of the *Non-Final Office Action* and the Applicants' response but do not calculate any Applicant Delay. Thus, Applicants are in disagreement with the PAIR/PALM records and believe that the records should reflect an Applicants' Delay of **55 days**.

A *Non-Final Office Action* was mailed on December 11, 2003. Applicants sent a timely response on January 20, 2004 by Express Mail. The returned date-stamped postcard from the USPTO shows that the response was received by the USPTO on January 20, 2004. The PAIR/PALM records show "Informal or Non-Responsive Amendment after Examiner Action" received on January 28, 2004. Applicants disagree with the January 28, 2004 receipt date and believe that it should be January 20, 2004. The *Notice of Allowance* was mailed on June 3, 2004. Therefore, Applicants believe that the PTO Delay clock started on May 20, 2004 and stopped with the mailing of the *Notice of Allowance* on June 3, 2004, thus incurring a PTO Delay **14 days**.

True and correct copies of the following documents are attached:

- (1) The returned date-stamped postcard for the Response to the December 11, 2003 *Non-Final Office Action* showing receipt by the PTO on January 20, 2004.

In accordance with Applicants' duty to ascertain that all portions of the Patent Term Adjustment determination are correct, Applicants respectfully request a correction to reflect



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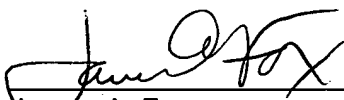
**PETITION TO CORRECT PATENT TERM ADJUSTMENT HISTORY**

Applicant Delay (APPL) as **192** days rather than **137** days in the U.S. Patent Office "File Contents History" and USPTO Delay (PTO) as **14** days rather than **0** days.

The PTA Petition fee set forth in 37 C.F.R. § 1.18(e) for \$200.00 should be charged to Deposit Account No. **08-1641** (Attorney's Docket No. **39754-0611 1CP1CP**). Additionally, Applicants do not believe the \$200.00 charge for reconsideration of the PTA should be charged to the Applicants, as the error was made on the part of the PTO. However, any additional fees that may be due in connection with this application may be charged to the same above Deposit Account number.

Should there be any questions, please contact the undersigned at the correspondence address listed below. Thank you for your consideration.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:   
James A. Fox  
Registration No. 38,455

Attorney Docket No. 39754-0611

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